

# Bereskin & Parr

INTELLECTUAL PROPERTY LAW

December 18, 2006

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Your Reference: 10/731,741  
Our Reference: 2223-171

## Mail Stop RCE

Commissioner for Patents  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA  
U.S.A. 22313-1450

Dear Sir:

**Re: United States Patent Application No. 10/731,741**  
**Filed: December 10, 2003**  
**Entitled: Cell Preparations Comprising Cells of the T Cell Lineage and Methods**  
**of Making and Using Them**  
**Inventors: Thomas M. Schmitt and Juan Carlos Zuniga-Pflucker**

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This is further to the Advisory Action dated November 21, 2006.

We are filing herewith a Request for Continued Examination (RCE) of the above-referenced patent application under 37 CFR 1.114. As the submission filed on October 30, 2006 was not entered we request that the amendment and arguments are considered in the RCE.

In the attached Petition for Extension of Time under 37 CFR 1.136a we are requesting a one-month extension of time. We hereby authorize the Commissioner to charge our Deposit Account No. 02-2095 in the amount of \$455.00 in respect of (1) the RCE fee of \$395 (small entity) and (2) the one-month Extension of Time fee of \$60.00 (small entity).

If any additional fees are required, the Commissioner is hereby authorized to charge these fees (including any claim fees) which may be required to our Deposit Account No. 02-2095.

Yours truly,



Micheline Gravelle

MG/aw  
Encl.

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# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/731,741
Filing Date	December 10, 2003
First Named Inventor	Thomas M. Schmitt
Art Unit	1632
Examiner Name	Anoop Kumar Singh
Attorney Docket Number	2223-171

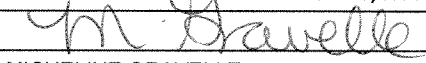
**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ii. ☒ Other Consider Response & Amendment filed October 30, 2006
  - b. ☐ Enclosed
    - i. ☐ Amendment/Reply
    - ii. ☐ Affidavit(s)/Declaration(s)
    - iii. ☐ Information Disclosure Statement (IDS)
    - iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
  - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)
  - b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.
  - a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2095. I have enclosed a duplicate copy of this sheet.
    - i. ☒ RCE fee required under 37 C.F.R. 1.17(e)
    - ii. ☒ Extension of time fee (37 C.F.R. 1.136 and 1.17)
    - iii. ☐ Other \_\_\_\_\_
  - b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
  - c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	DECEMBER 18, 2006
Name (Print /Type)	MICHELINE GRAVELLE	Registration No.	40,261

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print /Type)		Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.